

FIRST REGULAR SESSION

HOUSE BILL NO. 576

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER.

1597H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating to automatic stays of court proceedings for members of the general assembly.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 510.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 510.120, to read as follows:

510.120. 1. During the period beginning January first and ending June first of each year, or whenever the general assembly is in session, there shall be an automatic stay of all administrative and court proceedings in which any member of the general assembly has filed a written notice with the court or administrative hearing officer and with all parties to the proceeding that the member is:

(1) A necessary witness;

(2) A party to the action; or

(3) The initial attorney for any party or has filed an entry of appearance as an attorney for any party more than forty-five days prior to the filing of the written notice under this subsection.

2. The stay created by this section shall apply to all trials, motions, hearings, discovery responses, depositions, responses to motions, docket calls, and any other proceedings before any trial court or administrative tribunal, including municipal courts. The stay shall also apply to any order requiring the member to serve as a juror whenever the general assembly is in session.

3. The stay created by this section shall not apply:

(1) If the member waives the protections of this stay in the form of a written memorandum filed with the trial court or administrative tribunal;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (2) To any proceedings under chapter 288;
19 (3) To any proceedings involving a request for injunctive relief; [or]
20 (4) To any proceeding in which the member is charged with a felony or a class A
21 misdemeanor; or

22 **(5) To any dissolution of marriage proceedings.**

23 4. The court of appeals shall have original jurisdiction over any application for
24 termination or modification of the stay.

25 5. In all civil cases or administrative proceedings or in criminal cases pending in this
26 state at any time when the general assembly is in veto session, special session, or holding
27 out-of-session committee hearings, it shall be a sufficient cause for such continuance if it shall
28 appear to the court, by written notice, that any party applying for such continuance, or any
29 attorney, solicitor or counsel of such party is a member of either house of the general assembly,
30 and in actual attendance on the out-of-session committee hearings, special session, or veto
31 session of the same, and that the attendance of such party, attorney, solicitor or counsel is
32 necessary to a fair and proper trial or other proceeding in such suit; and on the filing of such
33 notice the court shall continue such suit and any and all motions or other proceedings therein,
34 of every kind and nature, including the taking of depositions and discovery responses, and
35 thereupon no trial or other proceedings of any kind or nature shall be had therein until the
36 adjournment or recess for three days or more of the special session or veto session of the general
37 assembly, nor for one day before or after or the day of any out-of-session committee hearings.
38 Such notice shall be sufficient, if made within two days of the out-of-session committee
39 hearings, special session, or veto session of the general assembly, showing that at the time of
40 making the same such party, attorney, solicitor or counsel is scheduled to be in actual attendance
41 upon such out-of-session committee hearings, special session, or veto session of the general
42 assembly.

✓